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Department of Defense INSTRUCTION

January 31, 1996
NUMBER 5505.10

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SUBJECT: Investigation of Noncombat Deaths of Active Duty Members of the Armed Forces

References:

- (a) Section 113 of title 10, United States Code, note "Investigations of Deaths of Members of the Armed Forces From Self Inflicted Causes"
- (b) DoD Directive 6010.16, "Armed Forces Medical Examiner System," March 8, 1988
- (c) DoD Directive 5400.7, "DoD Freedom of Information Act Program," May 13, 1988
- (d) Section 113 of title 10, United States Code, note "Survivor Notification and Access to Reports Relating to Service Members Who Die."

A. PURPOSE

This Instruction is issued under subsection (a)(3) of reference (a) to implement policy for the investigation of noncombat deaths of members of the Armed Forces not medically determined to be from natural causes.

B. APPLICABILITY AND SCOPE

This Instruction applies:

1. To the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Unified Combatant Commands, the Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components").
2. To noncombat deaths of active duty members of the Armed Forces not medically determined to be from natural causes.
3. With the exception of procedures at subsection F.3., below, only to those situations in which a military criminal investigative organization (MCIO) has jurisdiction and conducts an investigation into the cause and manner of death of an active duty member of the Armed Forces.

C. DEFINITIONS

1. Accidental Death. Refers to a death from inadvertent action, or action where no harm was intended.
2. Active Duty. Refers to full-time duty in the active military service of the United States. The term includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the

Secretary of the Military Department concerned. The term does not include full-time National Guard duty.

3. Military Criminal Investigative Organizations (MCIOs). Refers to the U.S. Army Criminal Investigation Command, the U.S. Naval Criminal Investigative Service, and the U.S. Air Force Office of Special Investigations.

4. Self-Inflicted Death. Refers to a death resulting from the actions of the deceased, and includes both suicide and accidental death.

5. Suicide. Refers to a death resulting from purposeful action intended to result in one's own death.

D. POLICY

It is DoD policy that:

1. All noncombat deaths of members of the Armed Forces on active duty, not medically determined to be from natural causes, shall be investigated as potential homicides until evidence establishes otherwise.

2. All MCIO agents assigned to conduct investigations of the deaths of members of the Armed Forces on active duty shall be properly trained in conducting such investigations.

3. In any case of an investigation of a noncombat death conducted by an MCIO in which a determination of the manner of death is made by an authority other than the Office of the Armed Forces Medical Examiner (AFME), Armed Forces Institute of Pathology (AFIP) under DoD Directive 6010.16 (reference (b)), the completed investigation shall be reviewed by the headquarters of the MCIO and submitted by such headquarters to the AFME, AFIP, for a consultation opinion on the thoroughness and completeness of the investigation as it relates to the external determination of cause and manner of death.

4. A Family Liaison Program shall be established by each MCIO.

5. Any public release of information about the noncombat death of a member of the Armed Forces on active duty not medically determined to be from natural causes will state that the cause and manner of death are undetermined, unless an official determination has been made. After the official determination has been made, released to the public will state the official determination of the cause of death and avoid speculation about the means not substantiated in connection with the determination. All releases will be coordinated in advance among the cognizant MCIO, the casualty assistance officer, and the servicing judge advocate. The family of the deceased member will be notified prior to any public release of information.

6. Each MCIO shall, to the maximum extent possible consistent with available resources and the facts and circumstances of each case, provide military authorities with all information necessary to make command determinations and support command programs relating to deaths that are the subject of this Instruction.

E. RESPONSIBILITIES

1. The Inspector General of the Department of Defense shall monitor, evaluate program performance, and provide guidance with respect to all DoD activities that implement this Instruction.

2. The Assistant to the Secretary of Defense for Public Affairs shall ensure that all public affairs personnel comply with the requirements of this Instruction on public release of information regarding the noncombat death of a member of the Armed Forces on active duty not medically determined to be from natural causes.

3. The Secretaries of the Military Departments shall ensure that all MCIO agents comply with the procedures described in section F., below.

F. PROCEDURES

1. Appropriate training for MCIO agents assigned to investigate deaths shall, at a minimum, include the following subject matter areas:

- a. Jurisdiction for conducting criminal investigations.
- b. The elements of criminal offenses connected with deaths.
- c. Preliminary investigative procedures, including receiving and responding to notification of a death, assigning an investigative team and initially locating and interviewing witnesses.
- d. Preserving and processing the crime scene.
- e. Searching for, locating, identifying, preserving and transporting evidence.
- f. Submitting evidence for medical and forensic analysis.
- g. Identifying possible criminal offenders.
- h. Preparing reports and maintaining case files to assist or support appropriate authorities in determining the cause and manner of death and prosecuting any person(s) culpable for the death.

2. The Family Liaison Program established by each MCIO shall:

- a. Provide for designation of at least one agent to provide information and appropriate assistance to the family of the deceased active duty member of the Armed Forces.
- b. Provide for agents assigned to family liaison duties to be trained to perform such responsibilities in areas including victim and/or witness assistance issues, survivor assistance procedures and requirements of DoD Directive 5400.7 (reference (c)). The agent's family liaison duties shall be in conjunction with, or in support of, those other officials with direct responsibility for family notification and assistance, determining and arranging survivor benefits, and performing information redactions in accordance with reference (c).
- c. Provide the deceased's family, if they so desire, and to the extent that such reports may be furnished consistent with reference (c), a copy of any completed investigative report and any completed fatality report in accordance with the requirements of 10 U.S.C. 113 note (reference (d)).
- d. Ensure all reasonable questions and issues raised by the family are addressed on a timely basis.

3. In any case where an MCIO does not have jurisdiction to conduct an investigation into the cause and manner of the noncombat death of a member of the Armed Forces on active duty:

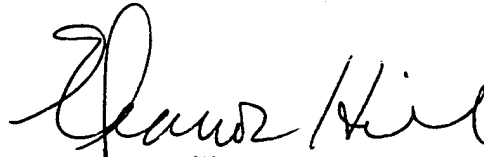
a. The MCIO for the cognizant Military Department shall attempt to maintain maximum liaison with the law enforcement organization that is conducting the investigation.

b. The MCIO family liaison agent shall provide all possible assistance to the family of the deceased in obtaining cooperation and assistance from the responsible law enforcement organization.

c. The MCIO shall attempt to obtain and provide to the appropriate military authorities a copy of the report of investigation, including any forensic or autopsy results.

G. EFFECTIVE DATE

This Instruction is effective immediately.

A handwritten signature in cursive script, appearing to read "Eleanor Hill".

Eleanor Hill
Inspector General